

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RAFAEL DELACRUZ, JR.,	:	
Petitioner	:	
vs.	:	CIVIL NO. 1:CV-10-0139
	:	(Judge Caldwell)
WARDEN B. A. BLEDSOE,	:	(Magistrate Judge Carlson)
Respondent	:	

*O R D E R*

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

We are considering the Report and Recommendation of the magistrate judge recommending we dismiss Petitioner Rafael Delacruz's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Delacruz objects to the report arguing that he did no receive individualized consideration for release to a Residential Re-entry Center ("RRC") as permitted by the Second Chance Act and that the magistrate judge misapplied the law when he recommended denial of the petition. Since objections were filed, the Court must "make a *de novo* determination of those portions of the report or specified proposed finding or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(c).

We are not convinced by the Petitioner's arguments. In a thorough and thoughtful report, the magistrate judge correctly applied relevant case law and the requisite statutory provisions governing the Second Chance Act. In addition, as noted by Magistrate Judge Carlson, Rafael received individualized consideration for RRC

placement. We see no reason for further comment because our reasoning mirrors that of the magistrate judge.

ACCORDINGLY, this 4th day of May, 2010, it is ordered that upon consideration of the report and recommendation of the magistrate judge (doc. 8), filed March 3, 2010, to which objections were filed, and upon independent review of the record, it is ordered that:

1. The magistrate judge's report is adopted.
2. Plaintiff's objections (doc. 9 ) are overruled.
3. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is denied.
4. The Clerk of Court shall close this file.

/s/William W. Caldwell  
William W. Caldwell  
United States District Judge